IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 436 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PRAVIN ISHVARBHAI - Applicant(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
THROUGH JAIL for Applicant(s) : 1,
MR KT DAVE ADDL PUBLIC PROSECUTOR for Respondent(s) : 1,
RULE SERVED for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 07/04/2006

ORAL JUDGMENT

1. This application is moved by the petitioner convict by communication dated 24.1.2006

addressed to the Hon'ble the Chief Justice. The application is primarily in the form of complaint against the Jail Authority in not sending the applications for furlough leave as per seriatim and it is complained that discriminatory treatment is given to the convict and it is alleged that in many cases, the convicts who have submitted application for furlough leave subsequently, their application/s are sent earlier and even their application/s are granted earlier also.

2. In response to the notice issued by this Court, Shri K.T.Dave, learned APP has produced on record the register maintained by the Authority for sending applications for furlough leave to satisfy this Court that the applications are sent as per their seriatim and as and when the application given their number and they are being sent accordingly. He has submitted that so far as applicant is concerned, his application was at

Sr.No.446 which was submitted on 4.1.2006 and the same was forwarded on 27.1.2006. On cursory going through the Register produced before this Court, it prima facie appears that the applications are being forwarded seriatim. Still, Shri K.T.Dave, learned APP has submitted that all the applications received for furlough leave will be forwarded strictly on the basis of the date of receipt of the application in seriatim and even the Inspector General of Prison, Gujarat State, Ahmedabad will also decide and dispose of such applications as far as possible in seriatim and only in exception cases where some report is awaited, it may take some time to decide and dispose of such application and even applications for furlough leave will be decided seriatim. The authorities are directed to strictly act accordingly.

3. In view of the observations and directions, no further order requires to be passed and hence,

the present application is accordingly disposed of in terms of above directions.

Office to send the copy of this order to the concerned respondents forthwith.

[M.R.Shah, J.]

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